

Florence, New Jersey 08518-2323
December 15, 2011

The regular meeting of the Florence Township Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Fratinardo called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Montgomery then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	Ray Montgomery
John Fratinardo	Robert Adams
John Groze	William Bott

ABSENT: Keith Crowell
Candida Taylor (excused)
B. Michael Zekas (excused)

ALSO PRESENT: Solicitor David Frank
Engineer Dan Guzzi
Planner Robert Perry

Chairman Fratinardo stated that the Board would be going out of order on the agenda and would start with New Business. He then called for Application ZB#2011-20 for Brian Ostner. Applicant is requesting bulk variances to approve continued use of an already existing non-approved porch structure on the front and side of the principal structure and for approval to construct an addition to the existing garage on property located at 2057 Columbus Road. Block 169.04, Lot 13.

Brian Ostner, 2057 Columbus Road was sworn in by Solicitor Frank. Engineer Guzzi stated that the application was complete and Solicitor Frank stated that he had reviewed the notice of public hearing and it was appropriate to give the Board jurisdiction to hear the application.

Mr. Ostner stated that he had applied for a variance for an existing non approved porch on his house as well as an addition to his existing garage. He stated that he required a side setback and front setback variance.

Engineer Guzzi stated that he prepared a review of this application dated December 8, 2011. He stated that the applicant is proposing 2 separate projects. The first is the reconstruction of the porch. Responding to a question from Engineer Guzzi, Mr. Ostner

said that the side setback is the same as the original porch, but the new porch encroaches further into the front yard setback.

Engineer Guzzi stated that the requested front yard setback for the porch is 1.24', where 50' is required. Prior to constructing the porch the setback was approximately 8'. So the new encroachment is about 7' in the front. The side yard setback is 25.2' proposed where 30' is required. Engineer Guzzi stated that this was an undersized lot so it does not conform with respect to area, width, or depth. The variances associated with the front porch are the front yard, the side yard and the 3 pre-existing non-conforming conditions.

Mr. Ostner is also seeking the approval to put a 35' x 55' addition on the back of his existing garage. This is an accessory structure and as such has separate setback requirements. The variances required for this include minimum front yard (accessory structures have to be located 100' back from the front property line and this proposal is 75.02'. However, that portion of the garage that exists is setback 75' and the addition is proposed behind that so it does not aggravate that setback. The requirement for minimum side yard is 50' and 13.95' is proposed. Again the existing garage is setback 13.95' so although this proposal extends back it does not extend any further into the side yard setback. The rear yard setback appears to conform. It will be 63' where 25' is required but it does need an additional variance for minimum distance from a principal structure. In the AGR zone accessory uses have to be a minimum of 75' from the principal structure and the proposal is for 22.5' and again this is an existing condition so the addition of the garage will not aggravate this any further.

Solicitor Frank stated that the new variances are for front yard setback for the open porch, and the continuation of the side yard setback for the proposed garage. Everything else is an existing condition, which is not being aggravated by the proposal. Engineer Guzzi stated that the garage addition is behind the existing garage so it doesn't appear that it will be very visible from the street.

Engineer Guzzi asked Mr. Ostner to offer testimony in support of the variances required for the front porch. Mr. Ostner stated that the porch is approximately 25' from the road. Engineer Guzzi stated that there is an 86' wide right-of-way in that area.

Mr. Ostner stated that the garage addition would have downspouts, which will shed water to the natural runoff towards Burlington Columbus Road.

Secretary Montgomery asked for confirmation from Mr. Ostner that the garage would not be used for commercial practices. Mr. Ostner stated that the garage is solely for the storage of his personal belongings, which include vehicles, camper, lawnmower and tools.

Motion of Bott, seconded by Buddenbaum to open the application to public comment. Motion unanimously approved by all members present.

Gylia Maria Holman-Tucker, 131 Coachman's Drive was sworn in by Solicitor Frank. Ms. Holman-Tucker stated that she has observed Mr. Ostner driving a large 18 wheeler

truck. She stated that she has been awakened at 3 or 4 o'clock in the morning with the running of the engine and the back up alarm. She stated that she has spent a lot of time and money making her property look nice and now there are ruts on the grass easement along the road that she and her husband care for. She stated that she couldn't say if Mr. Ostner has caused all the ruts but she has seen him drive the large truck over this grassy area. Ms. Holman-Tucker said that Burlington- Columbus Road is covered with water coming off of Mr. Ostner's property whenever there is a lot of rain. She claimed that Mr. Ostner sump pumps out his basement and this water goes down Burlington-Columbus Road and in the winter causes a problem with icing on the roadway.

Ms. Holman-Tucker stated that she pays a lot in taxes and does not want to look out her window and see an 18 wheeler parked on another neighbors property. Ms. Holman-Tucker said that she thinks that the size of the proposed garage is excessive for private residential use and appears to be more for commercial use. She stated that the addition of this large garage would lower the resale value of her property. Ms. Holman Tucker said that she has seen this truck parked on the street and the Board should check the police records because calls have been made to the police regarding this truck. Ms. Holman-Tucker stated that she does not want the Board to grant the variances for this application.

Chairman Fratinardo asked if the 18 wheeler was a commercial vehicle. Ms. Holman-Tucker stated that this was a commercial vehicle. It is lettered on the side. Chairman Fratinardo stated that there is a township ordinance that prohibits the parking of commercial vehicles on private property. He said that this should be taken up with the police department, as the Board has no jurisdiction. Ms. Holman-Tucker stated that she doesn't think it is a good idea to give this large truck a place to hide in the proposed garage.

Nicholas L. Sarris, 2044 Old York Road, was sworn in by Solicitor Frank. Mr. Sarris said that the corner of his back yard touches the corner of Mr. Ostner's back yard. Mr. Sarris stated that he purchased his home in 2006 and spent over a half million dollars. He said that a 40' x 40' building in Mr. Ostner's back yard would be an eyesore from his property. He stated that his back yard has been featured in a garden and landscape magazine and is the best selling point for the home. He stated that he couldn't afford to lose any more value on this property.

Mr. Sarris stated that based on the size of the proposed garage he doesn't think that it would be for personal use. He stated that Mr. Ostner is very handy and he welds and grinds metal, which is very noisy. He stated that Mr. Ostner does have commercial equipment on his property including a front-end loader and a lowboy that carts around this heavy front-end loader. He stated that in his opinion this shed would be used at least partially for commercial use. Mr. Sarris stated that he does not think that this garage is appropriate for the area.

Earl Verduchi, 2042 Old York Road, was sworn in by Solicitor Frank. Mr. Verduchi stated that his property backs up to Mr. Ostner's and he can see Mr. Ostner's house from his back yard. He stated that the existing garage is in the center of the yard already. If

Mr. Ostner puts another building behind there it will block everything. These properties are built around cornfields and he doesn't want to walk out to the back of his yard and see a large garage. He said that this is a residential area. He said that this proposal is upsetting all the neighbors. It just won't be feasible in this area.

Mark Dimon, 2076 Old York Road, was sworn in by Solicitor Frank. Mr. Dimon stated that there are covenants on all the deeds on the property and he doesn't know if anyone has looked at these covenants to see what is permitted. Solicitor Frank stated that this wasn't a court of law. The Board can only deal with the issue of zoning. If there are covenants and restrictions that are recorded as part of land title records then the beneficiaries of those covenants and restrictions have the ability to go to the chancery court and ask the judge to enforce them. He stated that the Board has no power as a Zoning Board with regard to land title records.

Responding to questions from the Board Mr. Ostner stated that he did drive a truck part time. He stated that he drives during the day, not at night. His day starts at 5 or 6 in the morning and ends at 5 or 6 at night. He stated that when he does stop home for lunch a neighbor across the street, Carol Harris, gave him permission to park in front of her property. Mr. Ostner stated that he does not park the truck at his home. The truck is only parked at his house when he stops home for an hour to have lunch.

Member Bott asked about the stormwater. Mr. Ostner stated that all the water in the front of his house is pumped onto his property by Mr. Sarris. It is collected in a drain across Mr. Ostner's yard and then goes out to the street. This was done because the water from Mr. Sarris' property kept flowing onto Mr. Ostner's property and flooding out his basement. Mr. Ostner stated that his sump pump goes to a dry well and there are is no problem with his septic system. All that water is from Mr. Sarris' property.

Mr. Ostner stated that he does not now and never has owned any heavy equipment. He stated that he has never serviced heavy equipment at this house. He stated that he has one shed along side of the garage.

Mr. Ostner responded to Mr. Verduchi's comment regarding the view by saying that his property is surrounded by Leland cypress trees which are currently 20' and will grow up to 40' tall. Unless the garage was 40' tall it shouldn't change the view.

Secretary Montgomery asked Mr. Ostner if he had brought any pictures of his property. Mr. Ostner stated that he did not have any. Secretary Montgomery asked Mr. Ostner to explain why he wants a garage this big. Mr. Ostner stated that he has a small trailer that he pulls behind his pick-up truck, a 40' camper, 2 vehicles, a couple motorcycles, dirt bikes and his son's toys. Currently this all sits out in the weather and is deteriorating.

Chairman Fratinardo stated that testimony had been given that Mr. Ostner has an 18-wheeler. Mr. Ostner stated that he drives this part time. He never parks this truck over night on his property. He does stop at lunch time and parks it on the street.

Member Groze asked about the welding and grinding. Mr. Ostner stated that he is a hobbyist and he enjoys making things. He does have a welder and a grinder that he uses. Solicitor Frank asked if the welding and grinding was commercial or purely a hobby. Mr. Ostner stated that he makes repairs to his own equipment (lawn mower/trailer) but does not do repairs to other people's equipment for pay.

Member Groze asked if there were currently 2 sheds on the property? Mr. Ostner said there are 2 sheds, but one is in bad shape and will be torn down. Secretary Montgomery stated that currently there is a block garage and 2 sheds and Mr. Ostner wants to tear down one shed and make an addition to the garage? Mr. Ostner stated that this was correct. He said that the existing garage is 20' x 20' with a 7.5' ceiling. The shed in the back is 8' x 8' (this will be removed) and the shed on the side is 10' x 16'.

Member Bott stated that the testimony regarding the 18-wheeler bothers him. He asked where the truck was parked over night? Mr. Ostner stated that he pays to park the truck in a truck parking lot over night. He does park it at his home for an hour during the day when he is home for lunch. Chairman Fratinardo stated that the testimony was given that the truck was parked there at 4:00 in the morning. Mr. Ostner stated that he doesn't work those hours. He said that if there was a problem it has never been brought to his attention.

Member Bott stated that he is still bothered by the conflicting testimony. He asked if there was any time that he has parked the truck at his home overnight? Mr. Ostner stated that he had not.

Ms. Holman-Tucker suggested that the Board check the police reports and see if that truck was not parked there overnight. She stated that it had been parked there many times overnight. She stated that it does disturb them because he leaves early and she does not like the backup alarm. She claimed that Mr. Ostner sells wood and he makes bullets so there is commercial use on his property. There have been complaints about shooting. She said that the Board should check the police records.

Nicholas Sarris stated that Mr. Ostner has a lowboy. This is a commercial piece of equipment. He stated that he has seen front-end loaders on the lowboy and in the yard. In regards to the flooding Mr. Sarris said that he tried to accommodate Mr. Ostner until he got in trouble with the county last year due to the ice, at this time they disconnected the pipe and Mr. Ostner said that Mr. Sarris needed to do something about the stormwater flowing from his property and flooding Mr. Ostner's basement. Solicitor Frank asked Mr. Sarris if he had taken steps to reduce the flow from his property to Mr. Ostner's? Mr. Sarris stated that he has not. Mr. Sarris said that as much as he wouldn't mind helping with the water problem it is not his responsibility.

Earl Verduchi said that he is able to see into Mr. Ostner's back yard since the Ostner property lies behind his. He stated that Mr. Ostner was working on that truck. Mr. Verduchi stated that he heard the air gun and saw the truck in the driveway with the nose flipped up. Mr. Verduchi said that in regards to the water runoff, Mr. Ostner's property is

downhill from the homes Old York Road. This is the natural runoff for the stormwater. Mr. Verduchi said that Mr. Ostner already has a problem with water and wondered where the displaced water from the proposed garage would go.

Fred Wainwright, 1011 Cedar Lane, was sworn in by Solicitor Frank. Mr. Wainwright stated that there had been testimony given about ice on the road. He stated that he had lived in this area for his entire life. He stated that down the road before you get to bridge there is a spring in the road and every year ice comes on that spot. Mr. Wainwright said that the water does run downhill from Old York Road to Burlington-Columbus Road. He stated that there is not a ditch along the road to take the water. He stated that the county should put a ditch along the road with some inlets to solve the water problem.

Mr. Ostner said that he gave testimony that it is not his intention is not to run a commercial business from the proposed garage, or to drive a truck from there, or park a truck there or create a disturbance of any kind. He stated that this was the first that he had heard from any of his neighbors of any ruts and stated that he had not caused the ruts. He stated that he has permission from his neighbor Carol Harris to park in front of her property but if this is irritating the other neighbors he will stop parking there now.

Mr. Ostner said that the 55' x 35' building was proposed to be able to store everything in and still be able to walk around in there. Solicitor Frank asked what the height of the proposed garage was? Mr. Ostner said he was planning on matching the existing building. He said the ceiling height would be approximately 8' tall but one section would have to be 10' tall to fit the camper. Solicitor Frank asked how tall the road tractor that he drove was? Mr. Ostner said probably 11' to the top of the stack.

Member Groze asked if there was any reason why the building couldn't be smaller, 55' was a good-sized building. Mr. Ostner said that he wanted to have enough room to store everything and still be able to maneuver around in the garage. Secretary Montgomery asked if reconstructing the 8' x 8' shed give enough space? Mr. Ostner answered that it would not.

Chairman Fratinardo stated that he is concerned because testimony has been given that there has been a commercial vehicle there and the size of the shed indicates that it might be used for a commercial use. Chairman Fratinardo stated that Mr. Ostner has the burden to prove to the Board that the proposed garage would not be detrimental to the zone and how it would be beneficial. Mr. Ostner stated that he would construct the garage to look like a farm building that would fit the agricultural character of the zone.

Chairman Fratinardo stated that testimony was also given that Mr. Ostner manufactures bullets on his property. Mr. Ostner said that he does civil war competitive shooting and makes his own bullets. Member Bott asked Mr. Ostner if he did any shooting on his property? Mr. Ostner answered that he did not. Mr. Bott said that testimony was given that Mr. Ostner was shooting. Mr. Ostner answered that his property bordered on cornfields. He stated that he hears shooting too. He stated that he knows that people hunt in the woods behind his house.

Member Groze asked Engineer Guzzi if there was a better spot on the property to locate this garage. Engineer Guzzi stated that this is an undersized lot so it would be difficult to set this building and not require variances.

Solicitor Frank said to Mr. Ostner that testimony had been given that the police had been called several times with complaints about his truck. Mr. Ostner said that he had not heard from a single neighbor or any police officer or police department regarding the truck with the exception of one time when he was parked in the wrong direction and an officer told him that he had to turn the truck around to face the right way. Solicitor Frank asked if the police had ever come to Mr. Ostner's house about noise or about the truck? Mr. Ostner stated that the police had not ever come to his property for a complaint. Solicitor Frank stated that this could be verified. Mr. Ostner could access this information from the police department and submit it to the Board. This would be one way to gauge Mr. Ostner's credibility on these issues.

Member Groze asked if there were any trees at the back of Mr. Ostner's property. Mr. Ostner answered that there was a row of Leland cypress trees at the back of the property.

Secretary Montgomery asked if the application should be tabled until next month? Solicitor Frank stated that this would allow Mr. Ostner to contact the police report to find out if there had been any calls regarding his property and to provide photographs of the property. Secretary Montgomery stated that if we are going to continue the application maybe the neighbors could also produce photographs.

Motion of Groze, seconded by Adams to continue the public hearing until the January 24, 2012 meeting of the Board.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Fratinardo, Groze, Montgomery, Adams, Bott
 NOES: None
 ABSENT: Crowell, Taylor, Zekas

Solicitor Frank advised Mr. Ostner that the Board was looking for some photographs to give them a sense of the visual aspect of this site and a report from the police department on any dispatches made to his property over the past few years. Solicitor Frank stated that it would also be helpful if Mr. Ostner could produce some information on his interaction with the county regarding the runoff onto Burlington-Columbus Road.

Chairman Fratinardo called for Application ZB#2011-19 for Effisolar Energy Corporation. Applicant is requesting amended Preliminary and Final Site Plan approval and Minor Subdivision approval for property located at 1019 Cedar Lane, Florence Township, NJ. Block 163.02, Lot 9 and Block 164.01, Lot 2.01.

Solicitor Frank stated that he is conflicted out of this application and stated that Denis Germano would be representing the Board for this application. Solicitor Frank then left the meeting.

Attorney John Guinco appearing on behalf of Effisolar stated that this was an application related to the prior action before the Board. He reminded the Board that they had given a Preliminary approval to Phase 1 and 2 and a Final approval to Phase 1. Since that time Effisolar has had the opportunity to review the situation related to Phase 2 and based on the structures on the property and potential historical significance the applicants have made the determination that they no longer want to pursue using that portion of the property as Phase 2 as a solar facility. He stated that they are back to request a modification to the subdivision plan so that Phase 2 will be subdivided from the main tract. The driveway access to the solar field will be relocated out of Phase 2. The request is for a subdivision to create the lot in the form that they are proposing, a site plan amendment to demonstrate the relocation of the driveway and a couple pieces of equipment so that they are outside the setback line. Attorney Guinco stated that there is one preexisting variance required related to the distance between the existing buildings. There are no new variances created.

Attorney Guinco called Julia G. Algeo from the firm of Maser Consulting to testify. Ms. Algeo was sworn in by Solicitor Germano. She stated that she had been a licensed professional engineer since 1990. Ms. Algeo stated that she was a senior principal at the firm of Maser Consulting where she has been employed for 11 years. Prior to that she worked for Abington Associates for 15 years. She stated that she has appeared before many planning boards throughout the state. The Board accepted Ms. Algeo as an expert in the field of civil engineering. Ms. Algeo stated that she is the project engineer and manager for this application.

Engineer Guzzi stated that there were 2 applications before the Board and asked if they would be taken separately or together. Attorney Guinco stated that the applications were inter-related and would tie together. Engineer Guzzi stated that the minor subdivision application was new and there were a few completeness items that needed to be addressed.

Engineer Guzzi referred the Board to his review letter dated December 8, 2011 regarding the Minor Subdivision portion of the application.

On Page 2 Item A is the Environmental Impact Statement (EIS). An EIS was submitted with the original application. Based on that the waiver would be supported.

Item B is the Preliminary Delineation of Wetlands. This information has been provided on the plans so a waiver is not required.

Item C is a survey by a licensed New Jersey land surveyor. A survey was submitted with the site plan application.

Motion of Montgomery, seconded by Bott to grant the waivers and deem the application complete.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Fratinardo, Groze, Montgomery, Adams, Bott
 NOES: None
 ABSENT: Crowell, Taylor, Zekas

Ms. Algeo submitted a color rendered landscape exhibit for Effisolar Energy Corporation, which was marked as Exhibit E1.

Ms. Algeo said that there are 2 applications before the Board, the Minor Subdivision and the amended Preliminary and Final Major Site plan. The Minor Subdivision would create 2 newly configured lots from the 2 original lots. The proposed lot 2.04 (the larger of the 2 lots) is 108.5 acres. This lot will contain the proposed solar energy facility, which this Board granted Use Variance approval for at a prior hearing. The second lot 2.03 is a 5.11 acre lot. That lot fronts on Cedar Lane in the center of the site. No development is proposed at all on that lot and all of the existing structures are to remain.

Ms. Algeo stated that these lots are conforming to the AGR Agricultural zone requirements with one exception. There are several existing structures that are on that farmstead that will remain and there is an existing condition variance. The zone requires a 75' setback from a principal structure to an accessory structure. The existing condition is 10'. Since the application doesn't propose to remove any of the structures a variance would be required.

Ms. Algeo stated that there are several driveways along Cedar Lane pertaining to the farmstead. She said that all of those driveways would be removed with the exception of the one driveway, which services the existing dwelling.

Solicitor Germano asked what the accessory structure was that required the variance? Ms. Algeo stated that it was a garage or shed. Solicitor Germano said that if the Board were to grant a variance for this and the garage were to burn down tomorrow the applicant then has the right to rebuild it. If you don't grant a variance and just acknowledge the existence of the pre-existing non-conforming condition then if it burns down tomorrow you would not be permitted to rebuild it without seeking relief. He stated that the way to bring up the most conformity with the ordinance is to not prohibit it. It is there and it is lawful. The Board could just acknowledge it rather than to legalize it.

Attorney Guinco stated that there are no variances for the lot. They did request the one variance for the existing structures; otherwise there would be no variances. He reminded the Board that at the time the applicant sought the site plan approval for the solar facility the entrance for the facility went through the farmstead lot and continued into the remainder tract. The proposal has been changed to locate the access road around the

farmstead lot and eliminate the need of an easement for a driveway. The redesigning caused 2 pieces of equipment to be relocated (1 transformer and 1 inverter).

Ms. Algeo referred to Exhibit E1 and pointed out the newly proposed location of the access drive. She stated that the relocated transformer and inverter do meet the setback requirements.

Attorney Guinco stated that the applicant is seeking amendment to the site plan that requests no variances and meets the ordinance requirements. It does, however, keep the access drive on the solar lot and farmstead lot will remain the same with its one existing driveway.

Ms. Algeo stated that surrounding the perimeter of the 5.11 acre lot on the solar facility lot significant additional landscaping has been added for buffering.

Attorney Guinco stated that the 5.11 acre lot had previously received a use variance to permit solar panels. The applicant would like to vacate the Use variance as it relates to the farmstead lot. This lot will remain in its historic farmstead condition. Ms. Algeo stated that no other relief is required for this application.

Attorney Guinco stated that except for the variance that was discussed, the application creates no new variances. Ms. Algeo stated that she had reviewed both Engineer Guzzi's review letter and Planner Perry's review letter and can comply with all recommendations and conditions.

Solicitor Germano asked about the comment regarding the vehicle turning with the racks. Ms. Algeo stated that they would modestly decrease the panels to increase the maneuverability in order to comply with the comment. Ms. Algeo stated that the Fire Official, Brian Richardson did review the plan. He hasn't sent a written report yet but did verbally state that the plan was acceptable and asked that a note be added to the plan that the gate will swing open 180 degrees. This will be complied with.

Attorney Guinco stated that a resubmitted application is pending at the Burlington County Planning Board and the DEP permits are pending and should be received any day.

Motion of Bott, seconded by Buddenbaum to open to public comment. Motion unanimously approved by all members present.

Gerald DiMassa, 1039 Cedar Lane, was reminded that he was still under oath from a previous meeting. Mr. DiMassa stated that his property is the only property that will be affected by this solar field. He stated that he had a meeting with the solar company and discussed the additional landscaping but he didn't get any thing about the size of trees or an approved landscape drawing. He said that he knows about the setback lines but he questioned if they would be permitted to build solar panels right up to his dwelling. Engineer Guzzi stated that the panels could be built to the setback line, but not to the

property line. Mr. DiMassa stated that his dwelling is on the edge of the property and 30' away they will be building the panels. Engineer Guzzi stated that it is 50' not 30'. Mr. DiMassa requested that there be a 100' setback along that side of the property. Solicitor Germano stated that this is not possible. This application is for amended site plan approval. The applicant already has approval to put the solar panels where they are shown on the final plan. The applicant has presented an amended plan with no variances. The Board doesn't have a lever to make the applicant do anything. Mr. DiMassa stated that he had met with the applicant and is not satisfied with anything that has been proposed. Solicitor Germano stated that the applicant submitted a landscape plan that had been modified to add substantial landscaping. The Board's planner had reviewed and approved the modified landscape plan.

Mr. DiMassa said that they are supposed to have a post construction meeting with him to review the buffering. He asked what he is supposed to do if he is not happy with the buffering then. Engineer Guzzi stated that the plan is to meet after construction and if additional plantings are warranted then they would be supplied.

Chairman Fratinardo stated that in his opinion the applicant wanted to work with Mr. DiMassa and the Board thinks that the applicant is being reasonable and has worked with the Board's planner to provide acceptable buffering.

Mr. DiMassa said that the trees are now losing their leaves and the he can see into the field. Member Bott stated that the applicant has proposed additional buffering. He stated that Mr. DiMassa couldn't determine whether he is satisfied with the proposed buffering until the additional landscaping has been planted.

Mr. DiMassa said that the applicant had said that they were not going to remove any of the existing trees. He asked what would happen if some of the trees were cut down? Engineer Guzzi stated that there is a tree replacement ordinance. There is a formula in the ordinance that outlines how many replacement trees would be required and how big the replacement trees have to be.

Planner Perry stated that he would be the landscape architect and planner representing the Board that would come out. There would be a pre-construction meeting before anything starts. He stated that because this is such a sensitive situation with the existing trees around the property. The trees will be marked out with orange fencing so everyone will know that this is a "no touch" zone. Hopefully during the course of the construction the engineer's office and the planner's office will be checking in to be sure that nothing has been over pruned. The proposed buffer is a mix of flowering shrubs, flowering trees, deciduous trees and evergreen. The applicant has provided a mix. This won't solve the view from the second story apartment window. The proposed landscape plan is a very good buffer. The applicant is adhering to the comments of the Board and certainly listened to the comments made by Mr. DiMassa at the meeting.

Patty DiMassa, 1039 Cedar Lane was sworn in by Solicitor Germano. Mrs. DiMassa stated that their concern was their property value. There is already one negative with the

high school across the street. She stated that she wants to make sure that the proposed buffer would be 365 days per year not seasonal. She wants to be sure that the panels would be visually hidden throughout the entire year. Solicitor Germano stated that the applicant submitted a plan to the Board in connection with their application for final approval. The plan was specific as to the type of trees and shrubs that are going to be planted and how far apart they would be planted. The Board's planner, who is a landscape architect reviewed the plan and indicated to the Board that it was an excellent buffer.

Mrs. DiMassa that her concern is her property value. She doesn't want to see the solar farm.

Solicitor Germano said that whether the Board approves the application that is before them or not the applicant already has an approval. They are going to build this solar facility. When it is done the Board's planner will come out and talk to you about whether or not the buffer is adequate. At that point in time there can be a meaningful discussion as to whether this is adequate.

Planner Perry said that even though everyone would love to see an evergreen wall for a buffer it is really not the best thing to do. If a disease should hit the evergreens the entire buffer is lost. They try to provide a mixture of evergreen trees, shade trees and flowering shrubs so that there is a mixture to provide a continuous buffer.

Motion of Bott, seconded by Groze to close the public comment. Upon roll call the Board voted as follows:

YEAS:	Buddenbaum, Fratinardo, Groze, Montgomery, Adams, Bott
NOES"	None
ABSENT:	Crowell, Taylor, Zekas

Attorney Guinco stated that they have presented an application that doesn't seek any new variances. It does identify the existing variance and the applicant is comfortable with however the Board chooses to treat that issue. He stated that he feels that the applicant is entitled to this approval but they have also tried to meet all the criteria that they had represented the last time.

Chairman Fratinardo asked if the applicant still wanted to pursue the variance for the distance from principal structure. Attorney Guinco stated that the applicant didn't care either way. They had applied for the variance because it was there. Planner Perry stated that he concurred with the attorney. In this instance it is pre-existing and it is not necessary to grant a variance.

Solicitor Germano stated that there are 3 things before the Board. There is an application for Minor Subdivision approval, and application for amended Preliminary Site Plan and amended Final Site Plan approval. He stated that it could be handled in one all inclusive motion. The applicant is also seeking vacation of the Use variance approval as to Lot

180.

2.03 only. Conditions would include compliance with all of the Board's Professional's reports, outside agency approvals, bonding, payment of taxes and professional review fees.

Motion of Buddenbaum, seconded by Bott to approve Application ZB#2011-19 as outlined by Solicitor Germano.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Buddenbaum, Montgomery, Groze, Adams, Bott

NOES: None

ABSENT: Crowell, Taylor, Zekas

Solicitor Germano stated that there were two Effisolar applications on file that the applicant is essentially abandoning by getting this approval. They would be Application 2011-15, which sought Final Site Plan approval for Phase 2, and Application 2011-17 sought Minor Subdivision approval to create 2 lots with the access drive running through the middle for Lot 2.03. Attorney Guinco stated for the record that they would agree to withdraw both applications.

MINUTES

Motion of Montgomery, seconded by Groze to approve the Minutes from the regular meeting of November 22, 2011. Motion unanimously approved by all members present.

RESOLUTIONS

Resolution ZB-2011-30

Continuing 3 applications for Effisolar Energy Corporation (ZB#2011-15, ZB#2011-17 and ZB#2011-19) until the December 15, 2011 meeting and extending the Boards time for action.

Motion of Groze, seconded by Montgomery to approve Resolution ZB-2011-30.

Upon roll call the Board voted as follows:

YEAS: Montgomery, Groze, Buddenbaum

NOES: None

ABSENT: Crowell, Taylor, Zekas

Resolution ZB-2011-31

Granting Use Variance and Minor Site Plan approval to John Hiros to permit installation of a ground mounted solar panel systems to offset energy use for existing restaurant (Bung's Tavern)

Motion of Montgomery, seconded by Groze to approve Resolution ZB#2011-31.

181.

Upon roll call the Board voted as follows:

YEAS: Groze, Adams, Buddenbaum, Montgomery
NOES: None
ABSENT: Crowell, Taylor, Zekas

CORRESPONDENCE

- A. Ordinance No. 2011-16. An Ordinance of the Township of Florence amending Chapter 91 (Zoning) of the Code of the Township of Florence to adopt an updated and amended Official Map and an updated and amended Zoning Map and to make amendments to the zoning standards for the RC zoning district.
- B. Letter from Planner Perry dated December 8, 2011 regarding evergreen buffer/lighting inspection at Careyote property, 1032 Potts Mill Road.

Motion of Buddenbaum, seconded by Bott to receive and file Correspondence A & B.
Motion unanimously approved by all members present.

VOUCHERS

- A. Voucher No. 573492 in the amount of \$209.75 for office supplies.

PUBLIC COMMENT

The meeting was opened to public comment. Seeing no one wishing to comment, motion was made and seconded to close the public comment.

Chairman Fratinardo wished the Board Members and Professional Staff a Merry Christmas and Happy New Year.

Motion of Montgomery, seconded by Bott to adjourn the meeting at 9:16 P.m. Motion unanimously approved by all members present.

,Secretary

/ne